

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SYLVESTER JAMES MAHONE,

Plaintiff,

v.

PIERCE COUNTY SHERIFF'S
DEPARTMENT, PAUL PASTOR,
RICH ODEGARD, LT. CHARLA
JAMES, MARVIN SPENCER, and
MARTHA KERR,

Defendants.

No. C10-5847 RBL/KLS

ORDER GRANTING DEFENDANTS'
MOTION TO STAY DISCOVERY

Before the Court is Defendant's motion to stay discovery pending resolution of Defendants' Motion to Dismiss. ECF No. 15. For the reasons stated below, the Court finds that the motion to stay should be granted.

BACKGROUND

On November 11, 2010, Plaintiff filed a civil rights complaint alleging, *inter alia*, violation of his First Amendment right to practice his religion. ECF No. 4.

On February 17, 2011, Defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). ECF No. 15. Defendants argue that Plaintiff's complaint should be dismissed because he has failed to state a claim upon which relief can be granted, has failed to allege the personal participation of several of the defendants, and Defendants are entitled to qualified immunity for

1 their conduct. *Id.* Defendants request that all discovery be stayed pending the court's resolution
2 of the motion to dismiss.

3 **DISCUSSION**

4 The court has broad discretionary powers to control discovery. *Little v. City of Seattle*,
5 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit
6 discovery. Fed. R. Civ. P. 26(c). A court may relieve a party of the burdens of discovery while
7 a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at
8 906 F.2d 465 (9th Cir. 1990) *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984).
9

10 It is necessary for this court to resolve Defendants' Motion to Dismiss to determine what
11 claims and Defendants survive the pleading stage. Defendants should not face the burden and
12 expense of responding to discovery as to claims and Defendants that may not survive the
13 pleading stage. Accordingly, it is **ORDERED**:
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15 (1) Defendant's motion to stay discovery pending resolution of the motion to dismiss
16 (ECF No. 19) is **GRANTED**.

17 (2) All discovery is **STAYED** pending further order of this Court.

18 (3) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.
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20 DATED this 16th day of March, 2011.
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23 Karen L. Strombom
24 United States Magistrate Judge
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